

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No.: 2:24-cv-10096 AH (ADS) Date: January 15, 2025

Title: Fernando Contreras Herrera v. B. Birkholz

Present: The Honorable Autumn D. Spaeth, United States Magistrate Judge

<u>Kristee Hopkins</u>	<u>None Reported</u>
Deputy Clerk	Court Reporter / Recorder

Attorney(s) Present for Petitioner(s): None Present	Attorney(s) Present for Respondent(s): None Present
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Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE REGARDING DISMISSAL

Before the Court is a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 (“Petition”) by Fernando Contreras Herrera (“Petitioner”). (Dkt. No. 1.) On November 27, 2024, the Court denied Petitioner’s Request to Proceed In Forma Pauperis (“IFP Request”) and ordered Petitioner to pay the mandatory \$5.00 filing fee by December 27, 2024.¹ (Dkt. No. 4.) As of the date of this Order, Petitioner has not paid the mandatory filing fee.

Petitioner is **ORDERED TO SHOW CAUSE** in writing why this action should not be dismissed for failure to prosecute **by no later than February 10, 2025**. Petitioner may respond to this Order by paying the \$5.00 filing fee. If Petitioner wishes to proceed with his Petition, he must pay the filing fee.

¹ Pursuant to 28 U.S.C. § 1915(a), a prisoner seeking to proceed with a civil action without prepayment of fees must submit “an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees” as well as “a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint or notice of appeal, obtained from the appropriate official of each prison at which the prisoner is or was confined.”

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If Petitioner no longer wishes to pursue his claims, he may request a voluntary dismissal of this action pursuant to Federal Rule of Civil Procedure 41(a). *The Clerk of Court is directed to attach a Notice of Dismissal Form (CV-09) to this Order for Petitioner's convenience.*

Petitioner is expressly warned that failing to comply with this Order will result in the recommendation that this action be dismissed for failure to prosecute or to obey Court orders pursuant to Federal Rule of Civil Procedure 41(b) and Local Rule 41-6.²

IT IS SO ORDERED.

Initials of Clerk kh

² This order is nondispositive. However, if Petitioner believes this order erroneously disposes of any of his claims or precludes any relief sought, he may file objections with the district judge within 20 days of the date of the order. See Bastidas v. Chappell, 791 F.3d 1155, 1162 (9th Cir. 2015).

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